

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FEDERAL TRADE COMMISSION

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Plaintiff

*

vs.

* CIVIL ACTION NO. MJG-11-1483

LOMA INTERNATIONAL
BUSINESS GROUP INC., et al.

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Defendants

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MEMORANDUM AND ORDER RE: CUSTOMER SATISFACTION

The Court has before it Plaintiff Federal Trade Commission's Motion In Limine to Preclude Evidence at Trial [Document 144] and the materials submitted relating thereto. The Court finds that neither a response nor a hearing is necessary.

Plaintiff seeks to preclude Defendants from presenting any evidence of customer satisfaction and any argument based upon customer satisfaction. Plaintiff bases its argument upon the proposition that the existence of customer satisfaction would not constitute a defense to a charge of the unauthorized provision of immigration services. In regard to the substantive issues, it would appear that Plaintiff is correct. Hence, it would not be a defense to a charge of the illegal practice of law or medicine, that many (even all) clients/patients were satisfied with the legal/medical service they received. However, a pretrial ruling that totally

precludes evidence of, or reference in argument to, customer satisfaction is not warranted.

While customer satisfaction is by no means a substantive defense, it is possible that such evidence may be permissible to refute or contradict contentions that may be made by Plaintiff. Moreover, inasmuch as Plaintiff is seeking injunctive relief, the Court will not foreclose the possibility that consideration of customer satisfaction may be warranted in regard to some aspects of the extent, scope and details of any injunction that may be issued.

Accordingly:

1. Plaintiff Federal Trade Commission's Motion In Limine to Preclude Evidence at Trial [Document 144] is DENIED.
2. This denial of total preclusion does not change the Court's ruling on the limitation of witnesses to be called at trial.

SO ORDERED, on Friday, May 04, 2012.

/s/

Marvin J. Garbis
United States District Judge